

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the
District of Nevada

STEVEN J. BANK

Petitioner

v.

THE HON. DIANA SULLIVAN,

*Respondent**(name of warden or authorized person having custody of petitioner)*

2:22-cv-01710-CDS-NJK

Case No.

(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: STEVEN J. BANK
- (b) Other names you have used: _____
2. Place of confinement:
 - (a) Name of institution: LAS VEGAS JUSTICE COURT
 - (b) Address: 200 E LEWIS AVE, LAS VEGAS, NV 89101
 - (c) Your identification number: A9894317
3. Are you currently being held on orders by:

☐ Federal authorities ☒ State authorities ☐ Other - explain: _____
4. Are you currently:

☒ A pretrial detainee (waiting for trial on criminal charges)

☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

 - (a) Name and location of court that sentenced you: _____
 - (b) Docket number of criminal case: _____
 - (c) Date of sentencing: _____

☐ Being held on an immigration charge

☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:

☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☒ Pretrial detention
☐ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: las vegas justice court, dept. 12(b) Docket number, case number, or opinion number: 22-PC-039899

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Metro Police asked me for consent to search my house for what they said was a "gun". I do not own any guns.The persons who called were "tricked" by a drug dealer into calling Metro alleging a firearm. Metro did not properly Mirandize, did not ascertain the identity of said individual who was NOT part of the WORK CREW.(d) Date of the decision or action: 09/09/2022**Your Earlier Challenges of the Decision or Action**7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes
 ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes
 ☒ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☐ No

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If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes☒ No

If "Yes," provide:

(a) Date you were taken into immigration custody: _____

(b) Date of the removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☐ No

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If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☒ Yes☐ No

If "Yes," provide:

(a) Kind of petition, motion, or application:

COPY OF 2241 H.C. DOCUMENTS SENT VIA FAX

(b) Name of the authority, agency, or court:

CLARK COUNTY D.A.

(c) Date of filing: 10/06/2022

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: 1. I was not carrying a CONCEALED WEAPON. The trespasser/assailant was in clear view of the weapon, a CO2 BB pistol while he was being warned not to return to 711 N FIRST or to 708 N FIRST where he was "casing" the house (under remodeling by a non-English speaker) for further thefts. The tenants at 711 (scene of alleged incident) had vacated the previous night, and he was on the premises pretending to pick up litter and trying to force them to let him "help" them moving their possessions onto their truck. I was authorized to be at 711. He and his cohorts take over vacant houses for METH LABS or HEROIN use.

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: I allege that my 5th and 6th Amendment rights were violated because Metro Police failed to conduct any investigation whatsoever into the identity of the alleged VICTIM, who claimed he was "working" when in fact he was **ABSOLUTELY NOT PART OF ANY WORK CREW**, and had been trespassing for days casing the properties, trespassing through a vacant lot adjoining 711 n 1st st accessed through Main St.

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

The tenants at 711 n 1st st were moving out from 15 years of renting. they had been hassled and harassed by two homeless people who had set up camp on their wire fence. They were discovered by Metro and left. However, one more African-American in his 50's appeared, also through the alleyway, on the 7th, claiming he needed "work"> He was around the lot on the 8th, and on the 9th he barged in and pretended learned of he was with the crew. The ~~other~~ janitor was too mentally ill to do anything. When the property manager saw the

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☐ No

bb pistol he mistook it for a firearm, as did the owner who "pressed" charges. owner: Charles Highsmith.

GROUND TWO:

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☐ No

GROUND THREE:

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

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GROUND FOUR:

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: THIS WRIT SHOULD BE GRANTED BECAUSE METRO FAILED TO MIRANDIZE PROPERLY, failing to take my statement by pretending that the CONSENT was the same as MIRANDIZING. They neglected to ascertain the identity of said individual, taking HIS STATMENT like he was PART OF THE WORK CREW and failing, PER SE FAILURE, to realize that he was a junkie or heroin addict casing BOTH houses. I WOULD ALSO REQUEST AN ORDER RETURNING MY AIR RIFLE AND MY CO2 PISTOL, used for defense of

Property, my legitimate residence is at 720 North 1st Street right across the street.

I did not violate anyone's rights, nor did I break the law by openly carrying this weapon while warning the person to leave and not return because he was trespassing and because he was a person of interest in a theft that had been committed as well as in the assaults that were being committed against a non-english speaker who is remodeling at 708 North 1st Street.

There have been countless arsons on 1st street, as well as across Bonanza in the cul-de-sac. Neither the firefighters nor the police care to investigate who these culprits are and so they walk away only to return later with more drugs and more intent to commit crimes

The police believe that they could frame me and that I would not be able to make bail and that I would be forced to accept a plea negotiation in order to be released. The abuse their power and a lot of indigent defendants cannot fight bogus charges.

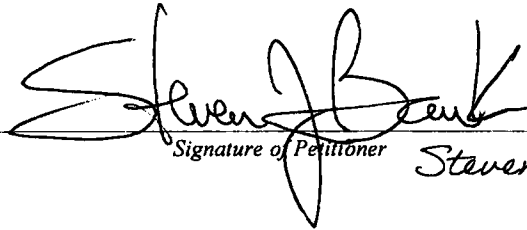
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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: October 6th, 2022



Signature of Petitioner

Steven J. Bank

Signature of Attorney or other authorized person, if any

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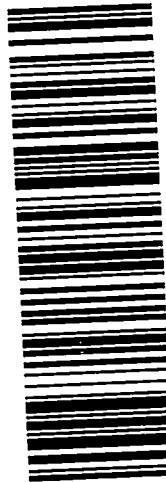
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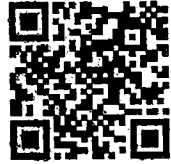
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